

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CURTIS SHAFER, et al.,

Plaintiffs,

v.

CITY OF BOULDER, et al.,

Defendants.

Case No. 2:10-cv-02228-MMD-GWF

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
GEORGE FOLEY, JR.

Before the Court is the Report and Recommendation of United States Magistrate Judge George Foley, Jr. (dkt. no. 71) ("R&R") relating to plaintiff's failure to respond to the order to show cause or to file a Joint Pretrial Order. (See dkt. no. 70.) No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to

1 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
3 view that district courts are not required to review "any issue that is not the subject of an
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
7 which no objection was filed).


8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Foley's R&R. Upon reviewing the R&R
10 and the records in this case, this Court finds good cause to accept and adopt the
11 Magistrate Judge's R&R in full.

12 It is therefore ordered, adjudged and decreed that the Report and
13 Recommendation of Magistrate Judge George Foley, Jr. (dkt. no. 71) is accepted and
14 adopted in its entirety.

15 It is further ordered that the complaint is dismissed with prejudice for failure to
16 prosecute.

17 The Clerk is directed to close this case.

18 DATED THIS 10th day of March 2015.
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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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